# ANSWER FROM: Roy Cohen, TIMNA (Big Data Department), Ministry of Health, Israel – roy.cohen@moh.gov.il

# SUBMITION DATE (please answer before 31/08/2020): 31/8/2020

# DO NOT ANSWER TO ALL THE QUESTIONS

# If you have already responded to the online questionnaire, please apply your revisions directly in document 2020(09) - Answer questions 3, 15 and 16 only here

# Please send only one coordinated answer per State, participant or observer

# Please only fill the parts of the questionnaire that are relevant for you: In ORANGE for member States and observer States, in GREEN for representatives of bodies, committees, observer organisations or partner companies.

# Questions in BLACK or in RED should be filled in any case

# Due to editorial constraints, please limit your answers to 1500 characters. You can attach a one or two-page document in addition to your contribution as an appendix to this questionnaire, which may be published as an annex to the analysis report.

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| **FOR ALL** | |
| **3. Your name and surname** | Cedric Sabbah |
| **Your job title** | Director, International IT Law |
| Are you a representative from:   * A member State or an observer State? * A committee, body, an observer organisation or partner company? |  |
| Which country do you represent? | Israel |
| Which organisation do you represent? | Office of the Deputy Attorney General (International Law), Ministry of Justice |
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| **FOR MEMBER AND OBSERVER STATES ONLY** | |
| **4. Do you have specific domestic legal frameworks (hard law) concerning AI?** | Yes  No |
| If yes, please summarise this/these domestic specific framework(s) |  |
| If yes, please provide relevant electronic links |  |
| **5. Do you have domestic ethical charters and principles of soft law concerning AI?** | Yes  No |
| If yes, please summarise this/these specific framework(s) | There are no specific AI frameworks. Declaration on the responsible use of artificial intelligence (AI) (Digital Nations, 2018) and OECD’s AI Principles are not binding domestically but they inform the work of Israel’s e-government authority as a guiding tool. |
| If yes, please provide relevant electronic links |  |
| **6. Do you have specific strategies and policies, nation-wide or at sectoral level, on AI?** | Yes  No |
| If yes, please summarise this/those specific framework(s) | E-government: Israel’s e-government authority, together with its ICT authority, are developing a “data driven public sector” policy, which includes four pillars: data governance, technology, institutional culture and human capital, and projects (models and uses of data). The “data governance” and “projects” pillars are expected to include several restrictions and guidelines regarding the use of data, including in AI algorithms.  Health: an anonymization policy to regulate privacy questions pertaining to what data could and could not be made available for algorithm development purposes. TIMNA, the Ministry of Health’s big data department, is tasked with taking on research projects that collect data from different organizations and train machine learning algorithms. The team at TIMNA has established work practices and processes including for implementing the anonymization policy.  Transportation: The Israeli Ministry of Transportation has recently published a draft bill to regulate trials in driverless cars. The draft bill is currently open for public comments. It authorizes the Minister of Transportation to establish rules for permitting autonomous driving systems. These systems are based on AI technology (as well as other technologies). More specifically, the bill authorizes the Minister, among other things, to determine the requirements that will apply to the autonomous driving system, including the system's capabilities, safety, and ways to prove the system's compliance with these requirements, in a technologically neutral. It is anticipated that ethical issues will be addressed in the course of discussions at that stage. |
| If yes, please provide relevant electronic links | The draft bill is available here (Hebrew only):  <https://www.nevo.co.il/law_word/law11/200820-2.doc> |
| **7. Are there any definitions available at domestic level regarding artificial intelligence?** | Yes  No |
| If yes, please provide the relevant texts (in English or French) |  |
| If yes, please provide relevant electronic links |  |

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| **8. Mapping of specific risks, threats and opportunities arising from the development, design, and application of artificial intelligence and their impact on human rights, rule of law or democracy at domestic level**  **Has your country conducted any assessments in this area (comprehensive or sectoral ones)?** | Yes  No |
| If yes, please outline the main findings and aspects covered | Health sector: in terms of privacy concerns and data anonymization, draft regulations have been published, enabling health researchers to access vast quantities of data subject to strict privacy and data protection restrictions and subject to regulatory oversight. These regulations are the fruit of consultations with experts from the health sector and academia.  Taxation: use of AI tools to improve investigations has revealed the risk of privacy infringements. It was determined that existing privacy legislation provides an adequate framework to ensure privacy protection. The analysis yielded a layered approach and prompted the creation of a mechanism whereby a smaller amount of information suffices for lower-level investigations; broader access to personal information is required only at a later stage, to determine with greater certainty the identity of the potential offender.  In terms of the risks emerging from the implementation of AI, these conversations are conducted in consultations, but have not yet been translated into any documents. |
| If yes, please provide relevant electronic links | Health draft regulations (Hebrew only):  <http://regulation.gov.il/uploads/reports/7/%D7%AA%D7%A7%D7%A0%D7%95%D7%AA%20%D7%96%D7%9B%D7%95%D7%99%D7%95%D7%AA%20%D7%94%D7%97%D7%95%D7%9C%D7%94%20(%D7%A9%D7%99%D7%9E%D7%95%D7%A9%20%D7%9E%D7%97%D7%A7%D7%A8%D7%99%20%D7%91%D7%9E%D7%99%D7%93%D7%A2%20%D7%91%D7%A8%D7%99%D7%90%D7%95%D7%AA),%20%D7%94%D7%AA%D7%A9%D7%A3%20-%202019.pdf> |
| **9a. Please outline which stakeholders the CAHAI should consider and prioritise in the context of organising multi-stakeholder consultations at international level** | CTOs and CDOs in industry and government; researches in academic institutions conducting applied studies (health, transportation, smart cities etc.), and generally in specialized fields (data analytics, data science). |
| **9b. Would your country be ready to consider organising multi-stakeholder consultations at national level?** | Yes  No |
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| **FOR REPRESENTATIVES OF BODIES, COMMITTEES, OBSERVER ORGANISATIONS OR PARTNER COMPANIES ONLY** | |
| **10. Have you developed (or assessed) ethical charter(s) or principle(s) on AI?** | Yes  No |
| If yes, please summarise this/these ethical charter(s) or principle(s) or your findings |  |
| If yes, please provide relevant electronic links |  |
| **11. Mapping of specific risks, threats and opportunities arising from the development, design, and application of artificial intelligence and their impact on human rights, rule of law or democracy at domestic level**  **Has your institution/organisation conducted or issued any specific or comprehensive assessments/reports in this field?** | Yes  No |
| If yes, please outline the main findings and aspects covered |  |
| If yes, please provide relevant electronic links |  |
| **12. Contribution to the CAHAI’s process of multi-stakeholder consultations**  Please indicate the preferred form of contributions that your organisation/institution is ready to make in the context of multi-  stakeholder consultations conducted by the CAHAI |  |
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| **FOR ALL** | |
| **13. From your perspective, what are the key issues the CAHAI should consider in the framework of its mandate with regard to the governance of AI?** | One key challenging is identifying and differentiating between generic rules/principles that are meant to apply across the board, and sector-specific ones. Certain rules/principles that could be relevant in one sector might not be convertible into generic ones. In addition, it will be important to keep in mind the advantages and disadvantages of rules-based and principles-based approaches. Finally, we anticipate a key issue to be balancing between the need to protect core values and rights, and the importance of fostering innovation and sharing of information. |
| **14. Any other information you’d like to share with the CAHAI** |  |
| **NEW QUESTIONS FOR ALL** | |
| **15. Please provide any relevant example(s) from your country/organisation about a concrete use of AI to fight COVID-19** | The Ministry of Health’s contact tracing app, HaMagen, uses AI to evaluate the risk of proximity, subject to robust privacy protection. In addition, the Ministry uses AI to assist with predicting the risk of serious Covid-19 cases, based on a model published by Gartner.  The Ministry also publishes datasets on an ongoing healthcare crisis on data.gov.il/dataset/covid-19. Researchers have used the datasets to create algorithms that predict overpopulation of emergency rooms, as well as the spread of the disease across vulnerable areas. There is an existing study that looks at how the disease might spread in sewage waters nationally. It is anticipated that AI data will also assist with vaccine testing, using predictive models to reduce the number of exposures to the virus for testing purposes. The use of AI is also being evaluated to better circumscribe the zones that require higher level of quarantine measures. This enables tailoring the more restrictive measures to the minimum number of people necessary, instead of applying restrictions to an overly broad number of people. |
| **16. What issues and lessons would you like to share with the CAHAI regarding the use of AI in times of crisis?** | The Ministry of Health receives a number of offers from professionals in AI and data science professionals to assist with algorithm creation. However, they face substantial regulatory hurdles, IRB committee limitations, and technological and legal limitations on access to large volumes of data. There is much work to be done in terms of data sharing and integration. These are also focal points where regulatory intervention that can protect privacy and equality could be translated from the idea level to the algorithm or process level.  Covid-19 has highlighted that government and industry should re-think assumptions in data, machine learning, and regulation. |